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C O N F I D E N T I A L SECTION 01 OF 03 BAKU 000238

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TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [PREL](#) [AJ](#)
SUBJECT: AZERBAIJAN: TURNING AWAY FROM DEMOCRACY

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Classified By: Ambassador Anne E. Derse, for reasons 1.4 b and d

[11.](#) (C) SUMMARY: All 29 proposed changes to Azerbaijan's constitution were passed in a referendum held on March 18. Embassy observers and other international and domestic monitors found serious flaws in the voting process, but these likely did not change the outcome. The passage of the amendments was predictable due to the haste with which they were proposed, the lack of public debate on their meaning, and the prevailing fatalism with which most Azerbaijanis approach public decision-making. The referendum represents one of several steps the GOAJ has taken in the past six months to consolidate domestic political control, distancing Azerbaijan further from western standards of democracy and respect for human rights. These developments seem to indicate President Aliyev's desire to consolidate his political position, even at the risk of weakening his strategic outreach to the West.. Sustained, intensified USG and European engagement can help tilt the balance back, but realities on the ground dictate that this will be a long-term effort. END SUMMARY.

REFERENDUM WRAP-UP

[12.](#) (C) According to the Central Election Commission, all 29 amendments to Azerbaijan's Constitution were passed during the March 18 referendum by more than 87 percent of the voters. The most controversial amendment, which removes term limits on the presidency, officially passed with an even higher 93 percent of the vote. Official turnout was 71.08 percent.

[13.](#) (C) As reported earlier however (reflets A-C), Embassy observers, other international observers, and domestic NGOs witnessed many violations of election regulations, including people voting at more than one polling station, ballot stuffing, and election officials telling voters how to vote. The Election Monitoring and Democracy Studies Center, a domestic NGO which is the only organization to field a countrywide observation effort in this referendum, reports that it witnessed various forms of "multiple voting" at 26 percent of polling stations and believes that turnout was 43

percent of registered voters. Radio Free Europe/Radio Liberty's Azerbaijani website features video footage of a voter calmly placing three ballots in a ballot box. These election day violations completed a referendum process that was flawed from its start, from a hasty rush through parliament, concluding in a quick national vote, without any serious public debate on the many issues on the ballot.

¶4. (C) As reported in reftels D and G, sources both inside and outside the GOAJ report that President Aliyev's major motivation in holding the referendum so hastily was to forestall rapidly developing jockeying among various factions within the YAP and the GOAJ, thus consolidating his power and influence in his second term and preventing any possible domestic unrest. The referendum is one of several steps the GOAJ has taken in the last six months which distance Azerbaijan further from western standards of democracy and respect for human rights. While October's presidential election did not fully meet OSCE standards for a free and fair election, particularly in terms of media freedom and political competition, the progress made on the technical conduct of the election now appears in retrospect to be a high point for the GOAJ's putative regard for democratic development. Since then, the GOAJ seems to have taken a clear decision to ensure stability in the country over other concerns, including respect for democratic processes.

¶5. (C) In December, the GOAJ decided to take Western radio broadcasts off the easily accessible public FM airwaves.

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This step followed earlier, similar closures of Russian and Turkish broadcasts, and effectively leaves the people of Azerbaijan without easy and free access to unbiased broadcast media. In January and February the authorities in Nakhchivan again physically and verbally harassed several journalists and human rights defenders in a series of incidents. January also saw the Minister of Internal Affairs bring a spurious lawsuit against prominent human rights defender Leyla Yunus. The case was later dismissed, following an international outcry.

¶6. (C) In late February, the Russian language news website 'day.az' and its English language sister site 'today.az,' both of which were very popular, were closed down under mysterious circumstances allegedly linked to an interview of Russian oligarch Boris Berezovsky criticizing President Putin. The sites' owner sold them the next week. The sites are now back up, but with a more cautious approach to news coverage, reflecting the new owner's connections to the government. In early March the Milli Majlis (parliament) passed three changes to the "Law on Media" which will make it easier for the GOAJ to shut down publications in the future. Finally, just before the referendum, First Lady and MP Mehriban Aliyeva introduced an amnesty bill into parliament that would free about 9,000 criminals from prison but would not include any of the imprisoned journalists or other alleged political prisoners.

WHITHER AZERBAIJAN: WEST OR NORTH?

¶7. (C) As reported in reftel D, on March 16 the Council of Europe's Venice Commission issued an opinion that criticized several of the constitutional amendments proposed in the referendum, questioning whether the amendments are consistent with Azerbaijan's CoE commitments. The CoE's Congress of Local and Regional Authorities had twice called for postponing the referendum due to the Venice Commission's opinion. Despite this, the referendum went forward as scheduled, and several Azerbaijani officials denounced the CoE in the press. In response, the president of the CoE Congress suggested that the Congress may not seat

Azerbaijan's delegation to their meeting in April, which would be a first step toward revoking Azerbaijan's membership in the Council of Europe. In addition, the Parliamentary Assembly of the Council of Europe (PACE) has also appointed a special rapporteur on political prisoners in Azerbaijan. The GOAJ has aggressively opposed this appointment for several years, and PACE had previously postponed the appointment due to GOAJ objections. A serious showdown or break in relations between the GOAJ and the CoE would be another indicator that Azerbaijan's traditionally balanced foreign policy is tilting further away from the West.

¶18. (C) The apparent evolving realignment of Azerbaijan's internal practices away from Western standards and increasing disrespect for Western institutions may also signal a turn northward toward a closer relationship with Russia. Since August, when Russia invaded Georgia in part due to "instability" within an internal "breakaway republic," Azerbaijan's leaders, always focused on N-K, are naturally looking for a way to ensure their own long-term internal and regional stability. Some within the GOAJ argue that a closer relationship with Russia is the answer.

¶19. (C) Pro-Russia figures within the GOAJ argue that in return for Azerbaijan's stated commitment to Euro-Atlantic integration and western values, Azerbaijan has received little from the West on its most important national issues: territorial integrity and physical security, including resolution of the Nagorno-Karabakh conflict and intensified security cooperation and energy links with Europe. If the pro-Russian forces within the GOAJ are indeed now gaining the upper hand, less respect for democracy and human rights will not be the only change. While Azerbaijan has serious differences with Russia (Russian Foreign Minister Lavrov's recent visit to Azerbaijan produced few concrete results -reftel F), future security or energy deals with Russia are increasingly possible.

COMMENT

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¶10. (C) Pro-western Azerbaijanis uniformly agree that the best way to prevent Azerbaijan from going further down an anti-democratic, pro-Russian path is to increase the level of U.S. and western engagement with the country across the board. More high-level engagement with the top of the GOAJ demonstrating that the U.S. understands Azerbaijan's core security needs and focus on Nagorno-Karabakh can help mitigate the near panic and sense of isolation which escalated after the Georgian conflict. Absent such engagement there are few prospects Azerbaijan will undertake difficult and political costly reform. In addition, more USG programming aimed at laying the core foundations of democracy, particularly with respect to youth, education, community development and governance, are the most effective strategies for securing Azerbaijan's orientation towards the West for the long term.

DERSE